

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-06-28,366
RH-TP-06-28,577

In re: 301 G Street, S.W.

Ward Six

ARLENA CHANEY, ET AL
Tenant/Appellant/Cross-Appellee

v.

AMERICAN RENTAL MANAGEMENT COMPANY
Housing Provider/Appellee/Cross-Appellant

NOTICE OF EX PARTE COMMUNICATION

September 30, 2014¹

On September 19, 2014, the Commission received an ex parte communication from members of The New Capitol Park Towers Tenants Association (Association) notifying the Commission that Mr. Jamil Zouaoui Esq., is no longer representing the Association as their attorney in these consolidated cases RH-TP-06-28,366 and RH-TP-06-28,577, and in RH-TP-8-29,302.

On August 12, 2014, Mr. Zouaoui, Esq., counsel for Arlena Chaney and the Association, the Appellants/Cross-Appellees (collectively, Tenants), filed a Notice of Withdrawal of Appearance in these consolidated cases RH-TP-06-28,366 and RH-TP-06-28,577, and Tenant Petition RH-TP-08-29,302. On September 2, 2014, the Commission issued two separate orders in response to Mr. Zouaoui's Notice of Withdrawal of Appearance. In case RH-TP-08-29,302,

¹ This Notice of Ex Parte Communication is being re-issued because the original Notice, issued on September 25, 2014, did include as an attachment a copy of the of the ex parte communication. The ex parte communication is attached to this Notice.

the Commission dismissed Mr. Zouaoui's Notice of Withdrawal of Appearance as moot because the appeal in this case had been dismissed and was no longer pending before the Commission. (See Order Dismissing Appeal, RH-TP-08-29,302 (RHC May, 8, 2014)). The Housing Provider/Appellant, American Rental Management Company, requested the dismissal of RH-TP-08-29,302. (See Motion to Dismiss Appeal, RH-TP-08-29,302 (April 1, 2014)). Ms. Chaney filed an Emergency Motion for Reconsideration of the Commission's Order to Dismiss Appeal in RH-TP-08-29,302, on May 15, 2014. The Commission denied this motion. (See Order on Motion for Reconsideration, RH-TP-08-29,302 (RHC May 22, 2014)).

In the consolidated cases RH-TP-06-28,366 and RH-TP-06-28,577, the Commission also issued an order on September 2, 2014, (See Order on Motion to Withdraw as Counsel, RH-TP-06-28,366 and RH-TP-06-28,577 (RHC Sept. 2, 2014)), denying Mr. Zouaoui's Notice of Withdrawal of Appearance because he failed to comply with the requirements of the Commission's rules on withdrawals of appearances at the time of his filing. Commission rule 14 DCMR § 3813 (2004) provides, in relevant part, as follows:

- 3813.2 The motion shall state whether the party consents to or opposes the motion and whether the party will be unrepresented or will have substitute representation. A copy of the motion shall be served on the party and the party advised that he or she has the right to oppose the motion.
- 3813.3 The motion shall state the specific reasons for withdrawal and shall state whether the absence of representation will prejudice the rights of the party.

Mr. Zouaoui's withdrawal request lacked the following required information at the time it was filed: 1) the motion did not state whether the Tenants consented to or opposed Mr. Zouaoui's withdrawal. See 14 DCMR § 3813.2. 2) the motion did not state whether the Tenants would be unrepresented or would have substitute representation. See *id.* 3) although the motion

contained a certificate of service upon the Association, care of tenants John Bou-Sliman, William C. Horn, and Yisehac Yohannes, it did not certify that it had been served upon Ms. Chaney, the individual and sole Tenant/Petitioner in RH-TP-06-28,366, nor did the motion state that the Tenants had been informed of their right to oppose Mr. Zouaoui's withdrawal. *See id.*

4) the motion did not state the specific reasons for Mr. Zouaoui's withdrawal in these consolidated cases; rather, it only states why Mr. Zouaoui never entered a formal notice of appearance with the Commission in the separate appeal of RH-TP-08-29,302. *See* 14 DCMR § 3813.3; Notice of Withdrawal of Appearance at 1-2. Finally, the motion did not state whether the absence of representation will prejudice the represented parties. *See* 14 DCMR § 3813.3.

In light of the Ex Parte communication received by the Commission on September 19, 2014, and Ms. Chaney's Emergency Motion for Reconsideration of the Commission's Order to Dismiss, filed on May 15, 2014, which both state that Mr. Zouaoui no longer represents the Tenants in these consolidated cases RH-TP-06-28,366 and RH-TP-06-28,577, the Commission requests that Mr. Zouaoui file a proper and complete notice of withdrawal in compliance with 14 DCMR § 3813, Withdrawal of Appearance.² In addition, the Commission requests that the Tenants (Ms. Chaney and the Association), provide the Commission with notice of any

² 14 DCMR 3813 provides as follows:

- 3813.1 If an attorney or other person representing a party wishes to withdraw from a case pending before the Commission, a written motion for application to withdraw shall be filed.
- 3813.2 The motion shall state whether the party consents to or opposes the motion and whether the party will be unrepresented or will have substitute representation. A copy of the motion shall be served on the party and the party advised that he or she has the right to oppose the motion.
- 3813.3 The motion shall state the specific reasons for withdrawal and shall state whether the absence of representation will prejudice the rights of the party.
- 3813.4 Motions for application to withdraw shall be promptly decided.

representation obtained by the Tenants as outlined in 14 DCMR 3812,³ and specifically, provide a notice of appearance for any individual chosen to appear in a representative capacity before the Commission as required in 14 DCMR 3812.6. *Id.*

³ 14 DCMR 3812 provides as follows:

3812.1 In any proceeding, representation may be as follows:

- (a) An individual, receiver, or trustee may appear in his or her own behalf;
- (b) A member of a partnership may represent the partnership;
- (c) An officer of a corporation may represent the corporation;
- (d) A member selected by the members of an association or an employee of the association, a group of tenants or non-profit corporation may represent the association, group or non-profit corporation;
- (e) A managing agent or property agent, licensed by the District of Columbia and employed by a housing provider for the day-to-day management and operation of a housing accommodation, may represent an owner if only the owner is named as a party; and
- (f) An owner may represent the managing agent or property manager if only the managing agent is named as a party.

3812.2 Nothing in § 3812.1 prohibits the provision of technical assistance by a non- profit community service agency.

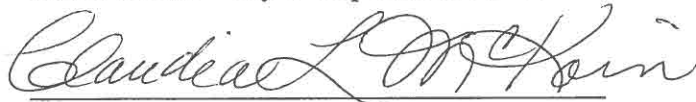
3812.3 Any person appearing before or transacting business with the Commission in a representative capacity may be required to establish authority to act in that capacity.

3812.4 A person may be represented in any proceeding before the Commission by one (1) of the following:

- (a) An attorney admitted to the practice of law in the District of Columbia, pursuant to the Rules of the District of Columbia Court of Appeals;
- (b) An attorney admitted to practice before the highest court of any state upon the granting by the Commission of a motion for special appearance;
- (c) Any law student practicing under the supervision of an attorney admitted to practice in the District of Columbia as part of a program approved by an accredited law school for credit; provided, that the law student's representation before the Commission is undertaken pursuant to the student's participation in the clinical program; provided further, that the law student's supervising attorney is present at any hearing before the Commission; or

The Ex Parte communication also requests that the Commission serve the signatories to the letter on behalf of the Association on all matters in these consolidated cases RH-TP-06-28,366 and RH-TP-06-28,577. The Commission will comply with this request and directs all parties in these consolidated cases to serve Ms. Chaney and the Association representatives John Bou-Silman, Yisehac Yohannes and William Horn.

Issued this 30th day of September, 2014.



CLAUDIA L. MCKOIN, COMMISSIONER

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- (d) A family member or close personal friend of a party, where the party is incapable of presenting his or her case because of a language barrier, physical infirmity, or mental incapacity; provided, that the family member or friend receives no compensation for representing the party before the Commission.
- 3812.5 The Commission may disqualify or deny, temporarily or permanently, the privilege of appearing or practicing before it or the Rent Administrator in any way, to any individual who is found by the Commission, after hearing, either to be lacking in the requisite qualifications to represent others or to have engaged in unethical, improper or unprofessional conduct; provided, that any individual who shall willfully mislead the Commission or its staff by a false statement of fact or law shall be disqualified permanently.
- 3812.6 Any individual who wishes to appear in a representative capacity before the Commission shall file a written notice of appearance stating the individual's name, local address, telephone number, District of Columbia Bar registration number, if applicable, and for whom the appearance is made.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **NOTICE OF EX PARTE COMMUNICATION** in RH-TP-06-28,366 and RH-TP-06-28,577 was mailed, postage prepaid, by first class U.S. mail on this 30th day of September, 2014 to:

Jamil Zouaoui, Esq.
4626 Wisconsin Ave., NW
Suite 300
Washington, DC 20016

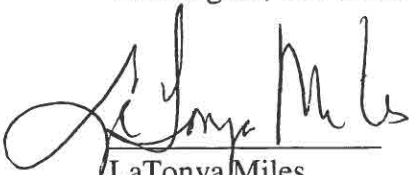
Arlena Chaney
301 G Street, SW, #426
Washington, DC 20024

New Capitol Park Towers Tenants Association
c/o:
John Bou-Sliman
301 G Street, SW, #613
Washington, DC 20024

William C. Horn
301 G Street, SW, #822
Washington, DC 20024

Yisehac Yohannes
301 G Street, SW, #219
Washington, DC 20024

Richard W. Luchs, Esq.
1620 L Street, NW
Suite 900
Washington, DC 20036

A handwritten signature in black ink, appearing to read 'LaTonya Miles', written over a horizontal line.

LaTonya Miles
Clerk of Court
(202) 442-8949

Chaney v. Am. Rental Mgmt. Co.
RH-TP-06-28,366 and RH-TP-06-28,577
Notice Ex Parte Communication
September 30, 2014

The New Capitol Park Towers Tenants Association

301 G Street, SW

Box B103

Washington, DC 20024

RECEIVED
RENTAL HOUSING
COMMISSION
2014 SEP 12 AM 11:05

RECEIVED
RENTAL HOUSING
COMMISSION
2014 SEP 19 AM 11:06

September 12, 2014

Government of the District of Columbia
Rental Housing Commission
ATTN: Claudia L. McKoin, Commissioner
441 – 4th Street, NW
Suite 1140B – North
Washington, DC 20001

References:

Chaney v. Am. Rental Mgmt Co. RH-TP-06-28,366 and RH-TP-06-28,577 (Consolidated)
Am. Rental Mgmt Co. v. Chaney RH-TP-08-29,302


On September 2, 2014, the Rental Housing Commission order denied Attorney Jamil Zouaoui's Motion to Withdraw as Counsel to Arlena Chaney and tenants, members of the New Capitol Park Towers Tenants Association, in the referenced cases.


We write as the majority of the Board of Directors of the Association, to ensure that the Commission is aware that Attorney Jamil Zouaoui is no longer representing the Association or individual members thereof (including the president, Arlena Chaney) on the referenced cases. In fact, Attorney Zouaoui has not represented the Association or its members on those cases since completion of the RHC hearing on May 7, 2013 (with results still awaited). Any subsequent actions in the above referenced petitions by any individual tenants are therefore for their own individual benefit and have not been authorized by the Association. This includes any actions that may have been taken by Ms. Arlena Chaney in these petitions after May 7, 2013. Indeed, the Association has not authorized anyone (including attorney Zouaoui) to pursue these tenant petitions beyond what was done until May 7, 2013.


We accept the Commission's dismissal of Mr. Zouaoui's Motion to Withdraw as Counsel on grounds of mootness.

Request that any notifications related to the referenced cases (including any decision or order on the 2006 TPs) also include both Arlena Chaney and :

The New Capitol Park Towers Tenants Association
301 G Street, SW
Box B103
Washington, DC 20024


John Bou-Sliman, Vice President
Apt 613


Yisheac Yohannes, Treasurer
Apt 219


William Horn, Board Member
Apt 822